

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§§ 1441, 1443 and 1446, United States Code § 1983, False Claims Act, as amended, 31 U.S.C. et seq *cf.* 28 U.S.C. § 2403(a)) and the recent and numerous violations of Federal statute constituting gross violation of his Constitutional, civil rights, Defendant-Counterclaimant pro se, Nicholas Fiorillo (“Fiorillo”) provisions hereby removes the above-captioned criminal action **based upon an entirely new set of facts** giving rise to clear cut Federal questions including but not limited to egregious civil rights violations, from the Barnstable Superior Court, to the United States District Court for the District of Massachusetts. Mr. Fiorillo further states as follows:

Jurisdiction and Authority For Removal

1. The District of Massachusetts, encompasses Barnstable County.

2. In light of the recent events in the Barnstable Superior Court most recently on the 14th of July, 2023 this Court has **clear jurisdiction** over this matter. Under U.S. Const. Ann. Article III, Section 2, Clause 1, this special civil rights removal statute permits removal of any civil or criminal action by a party who is denied or cannot enforce in the state court a right under any law, providing for equal civil rights of a person for any act under color of authority derived from any law providing for equal rights. **Mr. Fiorillo once again re-emphasizes that such equal civil rights are not confined by race.**

3. Under 31 U.S. Code § 3730 - Civil actions for false claims, an Attorney General shall diligently investigate a violation under section 3729. If the Attorney General finds that a person has violated or is violating section 3729, said Attorney General may bring a civil action under this section against the person. As the exhibits appended hereto set forth, the false claims against Defendant by Plaintiffs in this action (as well as the inextricably interrelated fraudulent debt collection actions) constitute violations under section 3729, and warrant full investigation subsequent to referral to the Attorney General.

4. Removal of an action under 28 U.S.C. § 1441(a) depends upon the nature of the complaint, and is properly removed when “a right or immunity created by the Constitution or laws of the United States [constitutes] an element, and an essential one, of the cause of action.” **Gully v. First National Bank in Meridian**, 299 U.S. 109, 112 (1936).

5. Under 28 U.S. Code § 1443, actions commenced in a State court by or against **any person who is denied or cannot enforce his civil rights in the courts of such State**, convey a right under the law, providing for the equal civil rights of citizens of the United States, to remove the action to the District Court of the United States, for the district and division embracing the place wherein it is pending. Removal from State to Federal jurisdiction, upon violations of his civil rights and clear cut questions under Federal law, **make any provision under 28 U.S.C. §**

1447 wholly inapplicable to these proceedings. Especially since removal is **not** time barred.

6. Where removal of an action under 28 U.S.C. § 1441(b) depends solely on the nature of the complaint and/or cross complaints, in light of the recent events in the State Court, there is no question that the Federal Court has jurisdiction, and removal for civil rights violations is proper.

7. The blatant disregard of Mr. Fiorillo's rights, by way of the improper, unauthorized and arguably unlawful preliminary **proceedings of July 14, 2023, give rise to an entirely new set of facts** which will clearly demonstrate an egregious disregard of this self-represented litigant's due process rights, demonstrates ample sufficiency to have the nature of this and the other false claims filed against Nicholas Fiorillo in an attempt to collect an unlawful debt, taken under review by this Court for violation of Federal laws.

8. As set down by the First Circuit Court in Boston Globe Media Partners, LLC v. Chief Justice of the Trial Court, the interests of justice require that the spotlight continue to shine brightly upon the secret courts of the Commonwealth. Public policy dictates, and the First Amendment of the Constitution provides for removal of this action to this Court, under Under 28 U.S. Code § 1441, 28 U.S. Code § 1443, 28 U.S. Code § 1446, 42 U.S.C. § 1983, 42 U.S.C. § 1985, U.S. Const. Ann. Article III, Section 2, Clause 1, False Claims Act, as amended, 31 U.S.C. et seq *cf.* 28 U.S.C. § 2403(a)) .

This pro se litigant stands no chance to have his civil rights to a fair and just hearing upheld in the lower courts, and due attention must be given to the Federal questions emanating from this action. They must be addressed for the benefit of the basic rights and civil liberties afforded to all Americans, found under the United States Constitution of America, and not summarily ignored by Remand Order without a complete hearing of the facts.

Dated: July 14, 2023

Respectfully submitted,

NICHOLAS FIORILLO

/s/ Nicholas Fiorillo

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CERTIFICATE OF SERVICE

The undersigned states that he served a copy of this Notice of Removal on counsel of record, via U.S. Mail, and filed a copy of this Notice of Removal with the Clerk of the Barnstable Superior Court, pursuant to 28 U.S.C. § 1446(d) et seq.

/s/Nicholas Fiorillo